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May 20, 2024

By eFile

Hon. Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

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Re: *AKF, Inc. d/b/a FundKite v. Western Foot & Ankle Center, et al.*, Case 19-cv-7118
(PKC) (ST)

Dear Judge Chen:

We are counsel to Plaintiff AKF, Inc. d/b/a FundKite ("AKF"). With the consent of our adversaries, we write, on behalf of all parties, regarding the above-referenced action, which was marked closed on November 22, 2023. (ECF No. 65.) AKF has appealed to the United States Court of Appeals for the Second Circuit from the Court's Memorandum and Order dated September 28, 2022 (the "Order," ECF No. 49), and, with that appeal partially briefed, the parties attended a CAMP conference and arrived at a conditional settlement. The indispensable condition for that settlement to be consummated is the vacatur of the Order pursuant to Fed. R. Civ. P. 60(b)(6), and accordingly we write to ask if the Court is amenable to that resolution. The rationale for such a disposition would be that (1) it is in the interest of justice for the appellate court's docket to be lightened where that can be achieved by consent, and (2) the negotiated resolution would provide the parties certainty and reduce the drain of this dispute on the resources of both sides.

We would be happy to address any questions the Court may have regarding this request, and we thank the Court for its consideration.

Respectfully submitted,

/s/ David A. Picon

David A. Picon

cc: Geoffrey D. Mueller